1	COOLEY GODWARD KRONISH LLP JOHN W. CRITTENDEN (101634) (jcrittenden@cooley.com) FRANK B. GOLDBERG (222263) (fgoldberg@cooley.com) KATHLEEN E. TREIBER (232353) (ktreiber@cooley.com) 101 California Street 5th Floor San Francisco, CA 94111-5800	
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5	Telephone: (415) 693-2000 Facsimile: (415) 693-2222	
6	Attorneys for Plaintiff	
7	EBAY ÎNC.	
8	UNITED STATES DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA	
10	SAN FRANCISCO DIVISION	
11		
12	EBAY INC., a Delaware corporation,	Case No. CV 07 6172 CRB
13	Plaintiff,	STIPULATION FOR FINAL JUDGMENT AND PERMANENT INJUNCTION, AND FINAL JUDGMENT AND PERMANENT JUDGMENT THEREON
14	V.	
15	BOB MARTINO, an individual, d/b/a COINBAY.BIZ,	
16	Defendant.	
17	Detendant,	
18		
19	The parties to this action, plaintiff eBay Inc. ("eBay") and defendant Bob Martino, ar	
20	individual doing business as CoinBay.biz ("Defendant"), by their own signatures and/or the	
21	signatures of their counsel, do stipulate and agree as follows:	
22	RECITALS	
23	1. Defendant operated a website for purposes of trading or auctioning coins under the	
24	name CoinBay biz and at the URL address attp://www.coinbay.biz.	
25	2. eBay advised Defendant that it objected to, among other things, his use of the	
26	"CoinBay" name, domain name, and mark, the depiction of the CoinBay logo, and the use of a	
27	"Buy Now" logo as violations of its rights in various federally-registered trademarks, including	
28	the "eBay" word mark and logo, and eBay's "Bu	uy it Now" logo.
COOLEY GODWARD KRONISH LLP ATTORNEYS AT LAW	1067206 v6/SF	STIP. FOR FINAL JUDG. & PERM. INJUNCT., & FINAL JUDG. & PERM. JUDG. THEREON CASE NO. CV 07.6172 CDB

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- 3. On December 5, 2007, eBay filed this action against Defendant, seeking preliminary and permanent injunctive relief, an accounting of all revenues and profits, costs and attorneys' fees, and an order that the Registrar of the COINBAY BIZ domain name cancel the registration, alleging (1) federal trademark infringement, (2) federal trademark dilution, (3) false designation of origin, (4) common law trademark infringement, (5) common law unfair competition, (6) trademark infringement under Cal. Bus. & Prof. Code § 14335, (7) trademark dilution under Cal. Bus. & Prof. Code § 14330, and (8) unfair competition under Cal. Bus. & Prof. Code §§ 17200 et seq.
- 4. The parties have discussed their dispute and desire to resolve the Action amicably and without any further involvement from this Court.
- 5. Defendant acknowledges eBay's rights in its trademarks as referenced above, and has agreed to change the name of his website to "CoinDay" and to cease use of the "Buy Now" logo, and has also agreed to permanently cease and desist from using the names and marks, as well as the logo colors and designs and letter styles, to which eBay has objected.
- 6. In consideration for Defendant's actions, promises, and agreements as stated in this Stipulation, and provided that Defendant is in full compliance with the foregoing and the terms of this Stipulation, eBay:
- will not object to Defendant's use of the name "CoinDay," provided that it (a) is not depicted in offset letters or alternating colors, and
- (b) agrees to allow Defendant continue to the URL use http://www.coinbay.biz for the sole purpose of redirecting users to his site http://www.coinday.com until January 14, 2008, after which Defendant will cease all use of the COINBAY.BIZ domain name and associated URLs.
- 7. The parties concede that this Court has subject matter jurisdiction of the Action and that, by agreeing to a judgment in this matter, they voluntarily consent to this Court exercising personal jurisdiction over them.

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8. The parties agree that the terms herein constitute a full and fair settlement of all claims raised resulting from known facts in this matter and should be entered as the final judgment in the Action by the Court.

TERMS OF JUDGMENT

- 1. Defendant and all persons acting in concert or participation with him are permanently enjoined and restrained from:
- (a) using or seeking to register the COINBAY name for any purpose, whether as a trade name, trademark, service mark, domain name, corporate name or other trade identity, except that until January 14, 2008, Defendant may use the domain name COINBAY.BIZ solely as part of an Internet URL address for the sole purpose of redirecting users to his site at http://www.coinday.com, after which such use of the domain name shall permanently cease;
- **(b)** using or seeking to register for any purpose a trade name, trademark, service mark, domain name, corporate name or other trade identity that is confusingly similar to the term EBAY, or which combines a generic or descriptive term with the distinctive BAY suffix of the EBAY mark (for example, "Currency Bay," "Money Bay," and similar terms):
- selling or otherwise transferring the COINBAY.BIZ domain name (c) registration to anyone other than eBay;
- (d) using or seeking to register any mark that uses any logo containing offset letters or alternating colors;
- **(e)** using eBay's BUY IT NOW mark, or any mark that is confusingly similar thereto (including, but not limited to the "Buy Now" mark previously used by Defendant, or any other mark that mimics the colors and design of eBay's BUY IT NOW mark); and
 - **(f)** taking any further action that infringes eBay's intellectual property rights.
 - 2. Each party is to bear its own costs and attorneys' fees in this matter.
 - 3. The injunction entered pursuant to this Stipulation shall take effect immediately.

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1	4. Entry of Judgment in accordance with this Stipulation shall constitute a final
2	termination of all claims and causes of action asserted in the Action.
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4	Dated: December 20, 2007 COOLEY GODWARD LLP JOHN W. CRITTENDEN (101634) KATHLEEN E. TREIBER (232353)
5 6	FRANK B. GOLDBERG (222263)
7	July 177
8	John W. Crittenden (101634)
9	Attorneys for Plaintiff EBAY INC., a Delaware corporation
10	Della
11	Dated: December 15, 2007
12	Gol Marting.
13	Bob Marino, an individual, d/b/a COINBAY.BIZ
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15	Final Judgment and Permanent Injunction
16	The Court has reviewed and accepted the Stipulation for Judgment and Permanent
17	Injunction ("Stipulation") as a proper disposition of this matter. Therefore,
18	IT IS ORDERED that the Clerk of this Court enter Judgment in this matter in favor of
19	plaintiff eBay Inc. and against defendant Bob Martino, an individual doing business as
20	COINBAY.BIZ, according to the provisions of Rule 58 of the Federal Rules of Civil Procedure,
21	and in accordance with the terms of this Stipulation. Judgment shall be so entered forthwith.
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23	Dated:
24	Charles R. Breyer United States District Judge
25	Office States District Judge
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~	STIP. FOR FINAL JUDG. & PERM. INJUNCT., &

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